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Attorney's Docket No. MASIMO.376A

DECLARATION - USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **PARAMETER COMPENSATED PULSE OXIMETER**; the specification of which is attached hereto;

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: 60/413,494

Filing Date: September 25, 2002

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Massi E. Kiani**

Inventor's signature *Massi E. Kiani*

Date 9-24-03

Residence: **35 Brindisi, Laguna Niguel, CA 92677**

Citizenship: **United States of America**

Post Office Address: **same as above**

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Full name of second inventor: **Mohamed Diab**Inventor's signature Date Sep - 18 - 2003Residence: **26945 Diamond, Mission Viejo, CA 92691**Citizenship: **United States of America**Post Office Address: **same as above**Full name of third inventor: **Ammar Al-Ali**Inventor's signature Date 9-18-03Residence: **10880 Phillips Street, Tustin, CA 92782**Citizenship: **United States of America**Post Office Address: **same as above**Full name of fourth inventor: **Walter M. Weber**Inventor's signature Date Sept 12, 2003Residence: **25526 Creek Drive, Laguna Hills, CA 92653**Citizenship: **United States of America**Post Office Address: **same as above**

Send Correspondence To:
KNOBBE, MARTENS, OLSON & BEAR, LLP
Customer No. 20,995
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MASIMO.376A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Massi E. Kiani, et al.
App. No.	:	Unknown
Filed	:	Herewith
For	:	PARAMETER COMPENSATED PULSE OXIMETER
Examiner	:	Unknown

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION
AND
REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the Inventors to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventors to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, **Customer No. 20,995**, as its attorneys with full power of substitution

App. No. : Unknown
Filed : Herewith

and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the Inventors and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

Masimo Corporation

Dated: 9/21/02

By: 

Chris Kilpatrick

Title: V.P. Business Development and
General Counsel

Address: 2852 Kelvin Avenue,
Irvine, CA 92614

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